REMARKS/ARGUMENTS

I.   STATUS OF THE PENDING CLAIMS

Upon entry of this amendment, claims 16-32 remain pending in the present application. Claims 16, 26, 27, 29, 30 and 32 are amended.

Claims 16-32 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No. 5,611,059 to Benton et al. ("Benton").

II.   INFORMATION DISCLOSURE STATEMENT

A Supplemental Information Disclosure Statement is submitted concurrently with this amendment.

III.   REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 16-32 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Benton. Applicants respectfully submit that these rejections are traversed on the basis of the following arguments.

A rejection of claims as anticipated under 35 U.S.C. § 102(e) requires a showing that each and every claim limitation be identically disclosed in the applied reference. If even one claim limitation is not disclosed in the reference, the claim is patentable over the reference.

Claim 16, as amended, and claims 17-26 which depend from it, are directed to an industrial controller comprising a plurality of devices, for use in controlling a system including a plurality of components. The controller comprises a plurality of technology objects corresponding to the components. Each technology object comprises a device-independent technological functionality and a device functionality. The technological functionality does not depend on the device functionality. In addition, each technology object comprises at least one command that in part characterizes the technological object and determines the basic behavior of the technological object. The controller also comprises a control means independent of the

controlled components and a component control means relating to the controlled components for supplementing the control means. The component control means is implemented using technology objects that (i) are distributable on the plurality of devices and (ii) include a capability to execute commands that control the devices. Claims 27, 29, 30 and 32, as amended, and claim 28 which depends from claim 27 and claim 31 which depends from claim 30, are directed to methods and systems for programming an industrial controller or an industrial control system. Benton does not identically disclose, or even suggest, all of the limitations of claims 16-32, as amended and as properly understood.

In each of the previous responses filed in this prosecution, which are incorporated herein by reference in their entirety, Applicants explained at length the nature of the "technology objects" that are recited in the pending claims. Without conceding the propriety of the outstanding rejection, Applicants have amended claims 16, 27, 29, 30 and 32 to advance prosecution of the application and more particularly point out the nature of "technology objects" in the present invention, as previously and currently argued.

The rejection alleges that Benton, at col. 9 lines 29-54 and col. 10 lines 34-40, discloses a component control means implemented using a plurality of technology objects corresponding to components, the technology objects distributable on the devices. This text, however, is devoid of any such explicit or even implicit disclosure or suggestion. Instead, Benton purports to describe a graphical symbol library comprising a premade set of graphical symbols of displayable representations of actual physical devices. These symbols, which may be modified or deleted, contain logical parameters that are linked to points which represent their corresponding physical devices and physical parameters. The claims, as currently amended, all call directly or indirectly for technology objects that, among other things, represent controlled objects for control purposes, be *distributable* over a plurality of control devices. Nothing in Benton teaches or suggests a device-independent technology object that is re-used or *distributed* across a plurality of devices, particularly a technology object comprising a *device-independent technological functionality* separate and apart from a device functionality.

Also as discussed at length earlier in this prosecution, the *distributable* nature of the technology objects is achieved by the separation of control device functionality and technological functionality of controlled devices, allowing users to control technological functions without regard for the underlying functionality of the controlling devices. As currently amended, claims 16, 27, 29, 30 and 32 clearly point out that each technology object comprises a device-independent technological functionality separate and apart from a device functionality wherein the technological functionality does not depend on the device functionality. A technological functionality independent of any device on which a technology object may run allows for distribution of technology objects over a plurality of control devices. Nowhere in Benton are the graphical symbols relied on by the rejection shown to have <u>both</u> a *device-independent technological functionality* <u>and</u> a separate and distinct *device functionality*, wherein the *technological functionality is independent of the device functionality*.

Nowhere in Benton are the graphical symbols relied on by the rejection shown to comprise *commands that characterize those symbols and which determine behavior* of a technological object.

Moreover, the recited technology objects are used not merely to represent controlled devices, but for use in the control (i.e., in the component control means that supplements the recited control means) as recited in amended claims 16, 27, 29, 30 and 32. While the graphical symbols of Benton relied on by the rejection are purported to represent actual physical devices through the linking of logical parameters to physical parameters, nowhere in Benton are these symbols shown to include a *capability to execute commands that control the devices* with which they are linked.

None of the passages relied on in rejecting claims 16-32, nor any other in Benton, discloses or suggests any aspect of the recited limitations, and no explanation is provided as to how the language of Benton could conceivably be read to disclose the recited limitations and, in fact, none can be.

For these reasons, claims 16-32 are respectfully submitted to recite allowable subject matter.
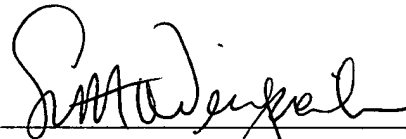
CONCLUSION

Claims 16-32 are pending in the application, claims 16, 26, 27, 29, 30 and 32 having been amended. Applicants submit that the claims, for the reasons set forth above, recite patentable subject matter and are now in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

The Commissioner is authorized to charge the fee for a two-month extension of time, as well as any additional required fee, to Deposit Account No. 23-1703.

Dated: <u>April 10, 2006</u>   Respectfully submitted,

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